

REMARKS

Claims 1-4, 13-22, and 31-34 are presently pending in the case. Claim 5 has been cancelled.

Reconsideration of the present case in view of the above amendments and the remarks herein is requested.

Claim rejections under 35 USC 102

The Examiner rejected claims 1-4 under 35 USC 102(b) as being anticipated by U.S. Patent 3,980,074 to Watt et al (hereinafter Watt et al). The rejection is traversed.

Watt et al does not anticipate claim 1, for example. To sustain a section 102 rejection, the reference relied upon, must disclose each and every element of the claimed invention. Non-disclosure of a single element of the claim negates anticipation. Claim 1 is to a receptacle comprising, inter alia, a receptacle body that defines an enclosed cavity containing powdered medicament. Watt et al does not disclose an enclosed cavity. Instead, the cavity of Wall et al has several openings, such as vents 11 and opening 2. Since all features of claim 1 are not disclosed by Watt et al, Applicant requests withdrawal of the rejection. Claims 2-4 depend from claim 1 and are allowable over Watt et al for at least the same reasons as their base claim.

The Examiner's arguments do not change the fact that Wall et al fails to disclose an enclosed cavity. The Examiner states that the "combination of the body 4 and the flange 5 combine to surround/enclose a powder inside the container." In making this statement, the Examiner has chosen to ignore the vents (elements 11) in the flange and the opening (elements 2 and 6) in the body.

Claim rejections under 35 USC 103(a)

The Examiner rejected claim 5 under 35 USC 103(a) as being unpatentable over Wall et al. in view of U.S. Patent 5,845,814 to Nobbio (hereinafter Nobbio). Claim 5 had been previously cancelled, and the rejection is believed to be moot. Furthermore, the rejection is improper in that the teachings of Watt et al and Nobbio are not properly combinable for various reasons. Applicant requests withdrawal of the rejection.

Allowable Subject Matter

Applicant appreciates the indication that claims 13-22 and 31-34 include allowable subject matter.

Conclusion

The claims are allowable for the reasons given above. Thus, the Examiner is respectfully requested to reconsider the present rejections and allow the presently pending claims. Should the Examiner have any questions, the Examiner is requested to call the undersigned at the number given below.

Respectfully submitted,

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